IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY NINTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

WRIT PETITION No: 24685 of 2004

Between:

1 N. Sudhakar, S/o. Sri N. Laxmana Rao,
R/o. D.No. 11/179/1, Prahladapuram, Visakhpatnam - 27.
2 M/s. Jai Parvathi & Co., D.No. 11/179/1, Prahladapuram,
Visakhapatnam - 27, Rep byits Proprietor N. Sudhakar.

.....PETITIONERS

AND

1 The Joint Collector (Civil Supplies Wing), East Godavari, at
Kakinada.
2 The Sub-Inspector of Police, Town P.S. Tuni, East Godavari
District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue an appropriate writ, order or direction more particularly one in the nature of writ of mandamus declaring the seizure of the Tanker belonging to the 1st petitioner bearing Regd. No. AP-05Y-7748 and the stock of UORB clearing chemical of 12 KL belonging of the 2nd petitioner in connection with a case under section 6-A of the Essential Commodities Act, 1955 on 08-12-04 by the 2nd respondent as illegal, arbitrary and without jurisdiction and consequently direct the respondents to release the tanker in favour of the 1st petitioner and the seized stock in the tanker in favour of the 2nd petitioner forthwith.

Counsel for the Petitioner: MR.N.SIVA REDDY

Counsel for the Respondents: GP FOR CIVIL SUPPLIES

The Court at the admission stage made the following:

ORDER:

The 1st petitioner is the proprietor of a firm and the 2nd petitioner is the owner of a tanker bearing registration No.AP-05Y-7748. The tanker is said to have been engaged in transporting a product known as 'UORB Grade-IV cleaning hemical' by the 2nd petitioner. It was seized by the 2nd respondent on 08.12.2004 suspecting that the product is kerosene, meant for public distribution. He produced the same before the 1st respondent and proceedings under Section 6-A of the Essential Commodities Act were initiated. The petitioners made an application before the 1st respondent for release of the tanker. It is stated that on account of the recent calamity in the coastal area, the 1st respondent has not passed any order so far, and the petitioners are put to great hardship on account of detention of the vehicle.

Heard learned counsel for the petitioners and learned Government Pleader for Civil Supplies.

The question, as to whether the product that was transported by the petitioners is kerosene meant for public distribution, needs to be considered at the time of disposal of the proceedings, pending before the 1st respondent. However, continued detention of the vehicle does not subserve the purpose of the respondent and on the other hand, it would result in undue hardship and loss to the petitioners. The interest of the respondents can be protected by requiring the petitioners to furnish bank guarantee for the value of the product seized and by requiring them to furnish an undertaking not to alienate the vehicle, till the disposal of the proceedings.

Hence, the writ petition is disposed of, directing that the respondents shall release the vehicle in favour of the petitioners, on their furnishing bank guarantee for a sum of Rs.80,000/- (Rupees eighty thousand only) and on furnishing an undertaking not to alienate the vehicle and to produce it as and when required. There shall be no order as to costs.

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29.12.2004

Note: Issue C.C. by tomorrow.

(B/o)

Jsu

To

1 The Joint Collector (Civil Supplies Wing), East Godavari, at Kakinada.
2 The Sub-Inspector of Police, Town P.S. Tuni, East Godavari District.

3. 2CCs to the G.P. for Civil Supplies, High Court Buildings,

Hyderabad (OUT).

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